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Attorney for Jeri Coppa-Knudson, Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE: CASE NO. BK-N-14-50333-BTB
ANTHONY THOMAS and CASE NO. BK-N-14-50331-BTB
WENDI THOMAS, (Jointly Administered)
AT EMERALD, LLC, CHAPTER 7
Debtors.

_____/ JERI COPPA-KNUDSON, TRUSTEE, ADV. PROC. NO. 17-05005-BTB
Plaintiff,

vs.

**EX PARTE APPLICATION TO SERVE
SUMMONS AND COMPLAINT BY
PUBLICATION**

KENNETH CONETTO, ESTATE OF
ERIC KITCHEN, KIMBERLY KLOTZ,
WAYNE CATLETT and SHERIFF OF (No Hearing Required)
SANTA CLARA COUNTY,
Defendants.

_____/

Plaintiff Jeri Coppa-Knudson, chapter 7 trustee, asks the Court to enter an order authorizing service on two individual defendants in accordance with F.R.Bankr.P. 7004(c). The subject defendants are the Estate of Eric Kitchen and Kimberly Klotz. Plaintiff's information is that Eric Kitchen's widow lives in Portland, Oregon and Ms. Klotz resides in Port Orange, Florida. Service by mail was accomplished on these defendants on

1 May 11, 2017. The envelopes to Kitchen and Klotz were returned as undeliverable.

2 At issue in this adversary proceeding is an emerald currently in the custody of the
3 Santa Clara Sheriff. The Sheriff requires an order of this Court permitting it to release the
4 emerald to the Trustee. F.R.Bankr.P. 7004(c) states:

5 (c) Service by Publication. If a party to an adversary proceeding to determine
6 or protect rights in property in the custody of the court cannot be served as
7 provided in Rule 4(e)–(j) F.R.Civ.P. or subdivision (b) of this rule, the court
8 may order the summons and complaint to be served by mailing copies thereof
9 by first class mail, postage prepaid, to the party’s last known address, and by
10 at least one publication in such manner and form as the court may direct.

9 Publication should be permitted because the adversary proceeding places at issue the
10 rights of the parties to the emerald in custody of the Santa Clara, California Sheriff. The
11 Trustee has already served by mail the parties at their last known addresses.

12 The Trustee requests permission to complete service by one publication in a
13 newspaper of general circulation in the town of the two defendants’ (Kitchen and Klotz) last
14 known address.

15 DATED: July 19, 2017.

16 **HARTMAN & HARTMAN**

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18 /S/ Jeffrey L. Hartman
19 Jeffrey L. Hartman, Esq.
20 Attorney for Jeri Coppa-Knudson,
21 Plaintiff
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CERTIFICATE OF SERVICE

I certify that I am an employee of Hartman & Hartman, and that on July 19, 2017, I served via the ECF system a true copy of the within document, addressed to the following:

JERI COPPA-KNUDSON
renobktrustee@gmail.com, jcoppaknudson@ecf.epiqsystems.com

JEFFREY L HARTMAN on behalf of Plaintiff JERI COPPA-KNUDSON
notices@bankruptcyreno.com, sji@bankruptcyreno.com

DATED: July 19, 2017.

/S/ Stephanie Ittner
Stephanie Ittner